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Chairman: Mr. Galuška ..... (Czech Republic)
later: Ms. Geelan ..... (Denmark)

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The meeting was called to order at 10.10 a.m.

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/54/93, 137, 216, 222 and Add.1, 303, 319, 336, 353, 360, 386, 399 and Add. 1, 401, 439 and 491)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/54/188, 302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, 361, 365, 366, 387, A/54/396-S/1999/1000 and Add.1, A/54/409, 422, 440, A/54/465-S/1999/1060, A/54/466, 467, A/54/482-S/1999/1076, A/54/493, 422, 440, and 499; A/C.3/54/3 and 4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/54/36)

1. **The Chairman** invited delegations to resume consideration of sub-items 116 (b), (c), (d) and (e).

2. **Ms. Rasi** (Finland), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland, said that the universality of human rights had been reaffirmed by the 1993 Vienna World Conference on Human Rights, and that the promotion and protection of human rights were the responsibility of Governments. The Union called on all Governments to cooperate fully with United Nations human rights mechanisms and monitoring bodies, and the special rapporteurs must be allowed free and unconditional access to any countries they wished to visit.

3. The European Union and its member States were guided by the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, which principles constituted a cornerstone in relations between the European Union and third countries. Those values were a constant challenge also in their own countries, and they were determined to live up to that challenge.

4. The European Union considered that abolition of the death penalty contributed to the enhancement of human dignity and to the progressive development of human rights, and it therefore opposed the death penalty in all cases, and called for a moratorium in cases where the death penalty still existed. Based on that policy, the European Union had introduced an initiative on the death penalty at the current session of the General Assembly. Moreover, the Union was concerned that widespread violations of the human rights of women and girls continued to be a reality. In addition to the full enjoyment of human rights by women and girls, the Union placed particular emphasis on the protection and promotion of the rights of the child. Lastly, the European Union intended to submit at the current session, draft resolutions on the human rights situations in the Democratic Republic of the Congo, the Islamic Republic of Iran, Iraq and the Sudan.

5. Reviewing the principal areas of current concern, she reiterated the European Union's position that the path towards the full integration of the Federal Republic of Yugoslavia into the international community would depend upon the democratization of that country and the respect for its international commitments and obligations. That included, in particular, full respect for human rights and the rights of minorities, reform of the electoral system, the establishment of a dialogue with the opposition, freedom of expression and the independence of the judiciary. The European Union urged the Federal Republic of Yugoslavia to cooperate with the International Criminal Tribunal for the former Yugoslavia.

6. The steps under way in Kosovo to establish an interim civil administration were warmly welcomed by the European Union. However, it strongly condemned the fact that ethnically-based violence continued. The return of refugees and displaced persons to their homes, and the assurance of security for all people in Kosovo, as well as the bringing to justice of the perpetrators of atrocities, were high priorities of the international community.

7. The implementation of the Peace Agreement in Bosnia and Herzegovina was progressing, albeit slowly. The European Union encouraged the national authorities to take further steps towards establishing the rule of law. It called upon all parties to implement their commitments under the Dayton accords and to facilitate the unrestricted and safe return of minorities.

8. The European Union took note of the adoption by the Croatian Government of a non-discriminatory reconstruction programme. However, the progress concerning the return of refugees still remained slow, and people who wanted to return home were reportedly subject to harassment. The Union was deeply concerned by Croatia's failure to cooperate fully with the International Criminal Tribunal for

the Former Yugoslavia, and emphasized the importance it attached to Croatia's full and conditional cooperation with the Tribunal.

9. The European Union was deeply concerned over the situation in the northern Caucasus and the Russian republic of Chechnya, and in particular over the plight of innocent civilians. The Union called upon the Russian Government to take all necessary action to protect the displaced persons from further distress, and stressed that it was of the utmost importance that the Russian Federation should provide safe and unhindered access for human aid organizations to ensure rapid and efficient distribution of aid to the displaced persons.

10. The European Union was concerned about the lack of civil and political rights in Belarus, and about deficiencies in its legal and judicial system. The cases of involuntary disappearances were a cause of concern. It appealed to the Government of Belarus to review legislation which reduced the right to freedom of expression and peaceful assembly and to resolve constructively the current constitutional dispute between the Government and the opposition.

11. The European Union reaffirmed that the status quo in Cyprus remained unacceptable. There was a need to intensify efforts to find a just, comprehensive and lasting solution on the basis of the relevant Security Council resolutions. The Union called for full respect for human rights and fundamental freedoms of the population of the whole island.

12. The European Union noted the plans announced by Turkey to proceed in the field of human rights and democratic reforms. The Union encouraged further legislative measures to be taken for the strengthening of civil and political rights. It called upon Turkey to fully respect the rule of law and international standards of human rights, including in the fight against terrorism. It encouraged Turkey to implement the recommendations made by the Special Rapporteur on torture, and hoped that Turkey would continue its long-standing practice not to carry out death sentences.

13. The European Union remained extremely concerned about the whole human rights situation in Afghanistan. It called upon all parties to the conflict to abide by the principles of international law, including respect for universal human rights and humanitarian law. It urged all Afghan factions to end discriminatory polices and to promote equal rights, dignity and access to education, employment and health care for both women and men. Lastly, it urged the Kabul authorities to cooperate with United Nations organizations.

14. The European Union was gravely concerned by recent developments in Pakistan and condemned the military takeover. Democracy and the rule of law must be restored immediately. It was also concerned about violations of human rights, including the use of torture, the lack of fair trials, arbitrary detentions and violations of the basic human rights of children, women and minorities. She called on Pakistan to protect religious minorities, prevent the misuse of blasphemy laws and abolish the death penalty for blasphemy.

15. She urged the Governments of India and Pakistan to return to dialogue on the issue of Kashmir in the spirit of the talks held earlier in 1999 in Lahore. Access to Kashmir for international and non-governmental organizations as well as for the Special Rapporteur of the Commission on Human Rights on torture must be improved.

16. She welcomed the renewed commitment made by the Government of India during the recent visit of Pope Paul II to protect religious minorities in that country.

17. She was gravely concerned about the human rights situation in Sri Lanka. She condemned terrorist attacks in Sri Lanka on human rights defenders and journalists and called on all parties to the conflict to make every effort to reach a negotiated settlement.

18. The human rights situation in China was still far from meeting international standards and, while political and economic reforms had led to progress, it was regrettable that political participation and the rule of law had not progressed sufficiently. She called upon China to take concrete steps to ratify and implement United Nations international human rights instruments. She was also concerned by the excessive use of the death penalty, restrictions on religious freedom, the lack of the right to free speech and the human rights situation in Tibet and Xinjiang.

19. There had been no progress in the human rights situation in Myanmar. She noted the visit of Assistant Secretary-General de Soto but regretted that cooperation by the Government with the United Nations was insufficient. She called on the Government to allow the Special Rapporteur of the Commission on Human Rights, on the situation of human rights in Myanmar to visit the country without any preconditions. Repression of the National League for Democracy and other democratic parties had intensified and serious human rights violations were continuing.

20. The European Union was following with great attention the political developments in Cambodia, especially since the national elections in 1998 and the formation of a

new coalition government. She called upon the Cambodian Government to ensure that the Khmer Rouge leaders accused of serious violations of international law would be held accountable for their actions before an independent tribunal which met all the guarantees required by international standards and to cooperate with the United Nations in that matter.

21. Serious human rights violations had occurred in East Timor during the referendum on the independence of the province, which had been held in an atmosphere of terror. The European Union supported the result of the special session of the Commission on Human Rights on East Timor and welcomed the appointment by the High Commissioner for Human Rights of an international commission of inquiry. That commission should act quickly to gather and compile systematic information on violations of human rights and international humanitarian law, and she called on the Indonesian authorities to cooperate fully with it.

22. The European Union was deeply concerned by reports of continuing human rights violations against displaced persons in West Timor. She urged the Indonesian authorities to curb the activities of the militia groups and to cooperate fully with the High Commissioner for Refugees to protect displaced persons and ensure their return to East Timor.

23. She welcomed the decision of the Indonesian People's Consultative Assembly to relinquish all claims to the territory and the holding of the first multi-party elections in Indonesia in 45 years. Political prisoners had been released, considerable progress had been made in freedom of expression, and some restrictions on trade unions and political parties had been lifted. She nevertheless continued to be concerned about reports of other human rights violations, such as arbitrary detentions, extrajudicial killings, disappearances and torture. Furthermore, she encouraged the Government of Indonesia to implement the recommendations of United Nations human rights mechanisms and to allow the visits by special rapporteurs which had been requested.

24. With regard to Malaysia, the European Union remained concerned about continued restrictions on the right of peaceful assembly and freedom of speech and opinion, among others. She called on the Government of Malaysia to respect the findings of the International Court of Justice in the case of the Special Rapporteur of the Commission on Human Rights.

25. She welcomed the progress in the area of human rights in the Islamic republic of Iran, due in particular to more open debate on good governance, human rights, democracy and the rule of law. The human rights situation nevertheless continued to be a source of concern, particularly discrimination against Baha'is and other religious communities. She called upon the Iranian Government to cooperate with United Nations human rights mechanisms and to invite the Special Representative of the Commission on Human Rights to visit the country.

26. In Iraq, grave violations of international humanitarian law were being committed. The European Union regretted the total absence of cooperation by the Government of Iraq with the United Nations Special Rapporteur on the situation of human rights in Iraq. It reaffirmed that it was the responsibility of the Government of Iraq to ensure the well-being of its entire population and their full enjoyment of all rights and freedoms. It was concerned about the dire humanitarian situation in Iraq and appealed to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by Security Council resolution 986 (1995).

27. The European Union welcomed the increased importance which Israel was attaching to respect for human rights as a means of promoting peace and stability in the whole region. While welcoming the decision by the Supreme Court of Israel to ban inhumane interrogation techniques which the European Union considered contrary to the Convention against Torture, the Union regretted that practices such as torture, incommunicado detention, demolition of Palestinians' houses, restrictions on movement and administrative detention continued.

28. The European Union welcomed the Palestinian Authority's recognition of the importance of human rights in the Middle East peace process. It recognized that the Authority had set itself the objective of improving the human rights situation in the territories under its control and recognized also the Authority's readiness for dialogue on the issue. It urged the Authority to ensure that the Palestinian security services complied strictly with the human rights standards and to reinstate the moratorium on carrying out death sentences.

29. In Saudi Arabia, the human rights situation remained cause for concern, and the Union urged the Government of Saudi Arabia to ensure respect for civil and political rights. The Union was gravely concerned about the serious violations of women's rights and called upon the Government to ensure full equality for women in both law and practice. She encouraged the Government of Saudi Arabia to guarantee freedoms, including freedom of religion, expression, association and assembly, to cooperate fully with international human rights mechanisms and bodies, and to accede to the international human rights treaties.

30. Despite some progress, the continued human rights violations in Rwanda were cause for concern. Recovery after the genocide, the process of national reconciliation and democratization, and promotion and protection of human rights and fundamental freedoms were primarily responsibilities of the Government of Rwanda. The European Union was following with interest the developments concerning traditional justice as a means of reducing the overload on the courts. She stressed that the International Criminal Tribunal for Rwanda could not work effectively without support from the international community. She noted with satisfaction that the Government of Rwanda had re-established contact with the United Nations High Commissioner for Human Rights.

31. In Burundi, the recent forced removals of civilians by the army were of particular concern, and the European Union called upon the Government of Burundi to allow those persons to return to their homes. A great number of detained persons were still awaiting trial, the administration of justice lacked transparency and prison conditions were extremely poor. The European Union called upon the Government of Burundi to refrain from imposing the death penalty.

32. The Union welcomed the signing of the Lusaka Ceasefire Agreement and called for it to be put into effect quickly in order to resolve the crisis in the Democratic Republic of the Congo, with respect for human rights. At a moment when the Special Rapporteur had just visited that country, it was expected that the Government would facilitate an early visit by a mission to investigate human rights violations there. The Government should end impunity and bring those responsible for human rights violations to justice. The European Union welcomed the appointment of a Minister for Human Rights and the establishment of a national commission of inquiry to investigate, in cooperation with the United Nations, alleged human rights violations in 1996 and 1997.

33. In the Sudan, despite some positive developments such as the reform of the Constitution and the Government's efforts to improve human rights, the continued occurrence of extrajudicial and summary executions, forced disappearances, arbitrary detention, torture, ill-treatment of civilians, subjection of women and children to forced labour, and severe restrictions on the freedom of religion remained cause for deep concern. The European Union called upon both parties to the civil war to cooperate in order to reach an agreement to end the long-standing conflict.

34. The European Union welcomed the new developments in Algeria and the signs of cooperation by the Government with international partners. It welcomed also the stated readiness of the Government to establish a dialogue with the human rights mechanisms and called upon it to cooperate fully with them. The European Union noted with appreciation President Bouteflika's invitation to non-governmental organizations to visit Algeria. The overall security situation there had improved and the number of reported human rights violations had decreased, although the human rights situation in Algeria remained cause for concern.

35. In Nigeria, a process of democratization was under way and the human rights situation had improved overall. The European Union applauded the decision by President Obasanjo and his Government to set up a commission to investigate human rights abuses under the military regime and encouraged the Nigerian Government to continue promoting human rights, in particular for the minorities in the Niger delta area.

36. The European Union called upon all parties in Sierra Leone to implement, speedily and in full, the Peace Agreement of July 1999 between the Government of Sierra Leone and the Revolutionary United Front/Armed Forces Revolutionary Council (RUF/AFRC). It welcomed the establishment of a Truth and Reconciliation Commission under the Agreement and stressed that the Commission must function successfully.

37. In Equatorial Guinea, the legislative elections in March 1999 had been carried out in such a way as to endanger democratization, and the European Union appealed to the Government to continue dialogue with all political parties.

38. The European Union had repeatedly condemned violations of human rights in the context of the conflict between Eritrea and Ethiopia, including violations against foreigners and persons belonging to minorities. The European Union urged the Governments of Eritrea and Ethiopia to respect human rights and international humanitarian law, and commended the efforts of the Organization of Africa Unity (OAU) in seeking a peaceful solution to the conflict.

39. The continuing human rights violations committed as a result of the conflict in Somalia, in particular in the southern parts of the country, remained cause for concern, and the European Union urged all parties to the conflict to continue their efforts to find a peaceful settlement, and to respect and promote human rights.

40. The human rights situation in Angola was deteriorating, and the European Union deplored the continuation of the civil war, for which the União Nacional para a Independência Total de Angola (UNITA) was

primarily responsible. The European Union appealed once again to the Government of Angola and UNITA to respect human rights, facilitate the flow of emergency humanitarian assistance, guarantee the safety and freedom of movement of humanitarian personnel and ensure their access to affected populations. The European Union welcomed the inclusion of human rights issues in the mandate of the United Nations Office in Angola (UNOA).

41. In Cuba, the repression of dissidents and members of the political opposition continued. An open and meaningful dialogue on all human rights issues and cooperation with the United Nations human rights mechanisms would be in the best interests of the entire Cuban society.

42. The persistent political and constitutional crisis in Haiti was disturbing, and it was to be hoped that the country would soon be able to return to normal political life and the rule of law. The European Union was confident that the announced elections would be held in a fair and transparent manner.

43. In the Caribbean, there was a disquieting trend towards renewed use of the death penalty. A long-standing moratorium had just ended in Trinidad and Tobago, and a number of other countries had carried out executions since late 1998. The European Union also regretted that some Caribbean countries had withdrawn from the Optional Protocol to the International Covenant on Civil and Political Rights and had re-acceded with a reservation to article 1.

44. In Guatemala, the Government had managed to improve the human rights situation in the country since the signing of the latest peace agreement. The European Union hoped that, despite the disappointing results of the referendum held in the spring, constitutional changes and a reform of the judicial system would proceed and that there would be progress in the implementation of the Peace Agreements.

45. The European Union fully supported the efforts of the new Colombian Government to find a solution to the long-running internal conflict that touched the lives of all Colombians. It encouraged the Government to continue to investigate human rights violations and to bring those responsible to justice, observing due process of law. The renewal of the mandate of the Office of the United Nations High Commissioner for Human Rights in Bogota had been an important step. The European Union was following the developments in the peace negotiations with great interest and invited all parties to work towards a peaceful solution to the conflict affecting the whole country.

46. The decision taken by the Peruvian Parliament on 7 July 1999 to withdraw from the jurisdiction of the Inter-American Court of Human Rights was deeply regrettable, for it deprived Peruvian citizens of their right to appeal to a supra-national court, and of the ultimate guarantee that such a right provided. The European Union welcomed the activities of the Special Commission created by the Government for the purpose of recommending the release of persons who had been wrongly detained.

47. The European Union noted with interest that the Mexican Government was tackling the question of impunity by promoting human rights education for military, judicial and law enforcement officials. It hoped that those measures would lead to full respect for constitutionally guaranteed rights and help put an end to impunity and serious human rights violations. It welcomed the visit to Mexico by the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions and the forthcoming visit of the High Commissioner for Human Rights.

48. At the World Conference on Human Rights, the international community had reaffirmed its conviction that all human rights were universal, indivisible and interdependent. The concern for human rights was legitimate, and their promotion was a challenge without limit.

49. **Monsignor Martino** (Observer for the Holy See) said that in a world that for decades had witnessed offenses against human dignity, the Charter of the United Nations had restored hope when it had reaffirmed faith "in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". Later, the Universal Declaration of Human Rights, had found an echo in the Vienna Declaration and Programme of Action, which had proclaimed that all human rights derived from the dignity and worth inherent in the human person and that the human person was the central subject of human rights. That meant that respect for human rights was possible only when the dignity of every human being was recognized and respected.

50. In the view of the Holy See, any attempt to weaken the pre-eminence of human dignity in the language of the United Nations would be a dangerous deviation from the very purpose of its existence. It should be recalled that human rights were not conferred by any Government or any institution. They could only be recognized, promoted and defended by such bodies.

51. Their source being the dignity of every person, human rights were by nature universal. That principle of universality became a point of contention when certain

States arrogated to themselves the right to accept or reject human rights under the false pretext of national sovereignty. Human rights were also indivisible. A selective acceptance of only some human rights might gradually lead to abandonment of them all.

52. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the international community had undertaken to promote awareness of human rights, and the time had come for concrete action to promote a culture of human rights. The Holy See particularly supported the idea of human rights education. The report of the United Nations High Commissioner for Human Rights on the follow-up to the World Conference on Human Rights contained a number of commendable initiatives along those lines.

53. **Mr. Hynes** (Canada) said that the twentieth century had seen the creation of a far-reaching body of human rights law and an array of mechanisms to promote and protect those rights. Yet the daily proceedings of the Security Council were a reminder of the unbearable suffering and vulnerability of many of those whom those laws purported to protect. The often esoteric debate within the United Nations on the protection of civilians in armed conflicts reflected a tragic reality for millions throughout the world.

54. The extent of the human rights catastrophe in Afghanistan could not be measured, and there had been further atrocities by the Taliban in 1999. Thousands had been forcibly displaced and the systematic denial of the rights and needs of women and girls continued. In that difficult situation, the United Nations efforts to send civil affairs advisors to the country were to be commended.

55. In Angola, where the number of internally displaced numbered well over two million, attacks were being committed against civilians and humanitarian aid workers. According to the United Nations Children's Fund (UNICEF), Angola was the country where children faced the greatest risk of death, malnutrition and abuse. Clearly, the sanctions against UNITA, the principal author of that tragedy, must be better enforced to bring it back to the peace negotiations.

56. In the Sudan, all the parties to the civil war persisted in violating civilian rights. The Government, however, bore the greatest responsibility for the abduction of men, women and children into slavery, the use of child soldiers and the indiscriminate bombing of civilian installations. Canada actively supported the peace process undertaken by the Intergovernmental Authority on Development (IGAD), which it was co-financing, and urged all parties to accelerate the process.

57. The conflict between Eritrea and Ethiopia continued to plague civilians in both countries, and both Governments were urged to protect human rights in their territories and to facilitate the voluntary return of their nationals. Canada called again on Eritrea to fulfil its obligation to give the International Committee of the Red Cross (ICRC) access to prisoners of war.

58. In the Great Lakes region, all armed groups continued to inflict civilian casualties and to cause major population displacements. His delegation urged all the signatories to the Lusaka Peace Agreement to abide by their commitments and to end the ethnic discrimination and the impunity prevailing in the region.

59. While terrorism could never be condoned, the fight against it did not justify the violation of human rights and humanitarian law. In that regard, urgent attention must be paid to the Russian military operations in Chechnya, where the massive, disproportionate use of force was causing considerable civilian casualties and triggering large population displacements. Compounding that tragedy, both sides had provided inadequate access and protection for international humanitarian organizations.

60. In Colombia, the spiral of violence had resulted in the internal displacement of more than a million civilians, the majority of them children, in the past four years, yet armed groups continued to commit flagrant violations of humanitarian law. His Government strongly supported the Colombian Government's peace initiatives and was encouraged by the recent resumption of talks with the Revolutionary Armed Forces.

61. The Government of Iraq continued to rule by terror, and its refusal to cooperate with the Special Rapporteur of the Commission on Human Rights cast doubts on its calls for improved engagement with the international community.

62. For much of the population of the Democratic People's Republic of Korea, civil and political rights did not exist and economic and social rights, including the right to development, were denied. His delegation encouraged the Government to release political prisoners and extend full cooperation to those humanitarian agencies and non-governmental organizations prepared to provide urgently needed assistance.

63. The human rights situation in Myanmar had continued to deteriorate in 1999 and the prospects for any improvement looked bleak. His delegation reiterated its call to the regime to begin a dialogue with representatives of the opposition and minority groups.

64. While there was no single model for democratic governance, it was hard to see how overthrowing a democratically elected Government contributed to promoting human rights and development. The recent Commonwealth ministerial delegation to Pakistan had received assurances that the rule of law and human rights would be respected and electoral processes reformed.

65. In Iran, tensions continued between those pressing for a tolerant, law-abiding society and those who rejected change. Numerous crucial concerns remained unresolved: lack of progress on women's rights, discrimination against the Baha'i community, death sentences against students and the arrest of members of the Iranian Jewish community. His delegation continued to hope for positive movement on those and other issues and remained convinced that improved cooperation with the Special Representative of the Commission on Human Rights would be in the interests of Iran's Government and people.

66. The past six months had seen some notable and positive developments in the restoration of peace, or at least the hope for peace, in East Timor, Sierra Leone and Kosovo. Despite violence and intimidation, the people of East Timor had expressed their political will through the 30 August ballot. The United Nations Transitional Administration would play a critical role in rebuilding Timorese society. To succeed, it would require an effective human rights component. His delegation commended the efforts of the United Nations Mission in Kosovo to establish a pluralist, democratic Kosovo. In a context of continued ethnic tensions, multi-ethnic institutions, in which Serbs were represented, offered the best way to address the interests of the Kosovar Serb community. Lastly, the peace agreement in Sierra Leone placed a high premium on human rights in the national reconciliation process. His delegation hoped that the establishment of a truth and reconciliation commission would ensure accountability, without which there could be no lasting peace.

67. In Bosnia and Herzegovina, his delegation again urged the Government to fully respect the Dayton Agreement and to adopt the draft Permanent Elections Law in order to strengthen democratic governance. It recalled that all Governments were obliged to cooperate fully with the International Tribunal for the Former Yugoslavia, whose work was crucial to peace in the Balkan region. That obligation included the Federal Republic of Yugoslavia, which was responsible for much human suffering in Kosovo and for the virtual destruction of Serbia.

68. His Government called on the Haitian authorities to strengthen their fight against human rights violations and impunity in Haiti, and urged the restoration of Parliament through credible elections in keeping with the electoral calendar. It remained committed to supporting Haiti in building effective judicial, police and electoral institutions.

69. Nigeria had launched an encouraging transition to democracy over the past 15 months and the new leadership must persevere in its efforts to bring sound governance to Nigeria.

70. His delegation also welcomed recent developments in Indonesia and offered its support for the efforts of the Government and other Indonesian institutions to consolidate human rights gains and to advance reforms. It remained concerned about incidents of communal and ethnic violence in many areas and about the response of the security forces to those events. It therefore welcomed the new Government's stated determination to protect religious and ethnic minority rights and to investigate past human rights violations throughout Indonesia.

71. His Government dedicated considerable efforts to cooperating with the United Nations treaty bodies and extended an invitation to all Commission on Human Rights mechanisms to make independent assessments of the human rights situation in Canada. It urged all Member States to do likewise.

72. His delegation urged swift ratification by China of the two international human rights covenants. China was continuing to improve the standard of living of its people and had undertaken to limit the abuse of power and to modernize its legal system. However, his delegation remained disturbed by the human rights situation, including intolerance, constraints on freedom of speech and association and religious freedom, particularly in Tibet, the extensive use of the death penalty and the harsh sentences imposed on political dissidents.

73. In Malaysia, his delegation was concerned about controls on the media and the use of the judicial system to suppress freedom of opinion and expression, particularly political expression. It urged the Government to fulfil its undertaking to give full effect to the judgement of the International Court of Justice concerning the status of the Special Rapporteur on the independence of the judiciary.

74. In Cuba, the State's systematic repression of political opposition had not abated. While it was encouraging that Cuba's new anti-dissidence legislation had not been applied, the political message that it sent was still cause for concern.

75. No Government could abdicate its responsibility to put in place institutions and policies to secure all its citizens the fullest possible enjoyment of all their rights. However, as

the Secretary-General had recently recalled, the common responsibility and moral obligation of the Member States of the United Nations went further: to promote respect for fundamental freedoms and human rights in all parts of the world.

76. **Mr. Shen Guofang** (China) said that, on the threshold of the new millennium, the General Assembly's consideration of the human rights issues was of great significance; the international community had every reason to be proud of its achievements in that field since the founding of the United Nations. Democratic forces had defeated fascism, colonialism and apartheid; new countries had acceded to independence and had become Members of the Organization; and the United Nations had established a number of international human rights instruments that had enhanced the international community's understanding of fundamental freedoms and rights and had provided guarantees for the enjoyment of such freedoms and rights.

77. However, much remained to be done. Racial discrimination, xenophobia and other forms of intolerance were gaining ground; the gap between developed and developing countries was widening; and more than 10 years since the end of the cold war, the mentality prevailing at that time continued to undermine human rights activities.

78. State sovereignty was the prerequisite for the protection of human rights, and the Charter of the United Nations gave those two principles equal status. Any interference in another country's internal affairs entailing the use or threat of force in order to change that country's social system or values — be it in the name of protecting human rights or of dealing with a humanitarian crisis — was a grave violation of the purposes and principles of the Charter of the United Nations and the fundamental norms of international law; recent incidents had provided many examples of such cases.

79. Recognition of the diversity of peoples was an important condition for the promotion and protection of the universality of human rights. All peoples were entitled to choose the social system and path of development best suited to them. However, on the pretext of promoting respect for human rights, some countries were trying to dictate to others how they should behave, which was unacceptable. The same principle applied to the issue of the death penalty, which was under consideration by the Committee.

80. China called on the United States of America to take effective steps to eliminate racial discrimination, to put an end to the use of violence and to ensure full respect for human rights in its own country.

81. Reform of the human rights mechanisms set up by the United Nations had become a pressing task in order to reduce confrontation, enhance cooperation, promote economic, social and cultural rights, including the right to development, and increase the effectiveness of the Commission on Human Rights. In that context, the international community should enter into a dialogue on the basis of equality, mutual respect and understanding so as to ensure the implementation of the tasks entrusted to it by the Charter of the United Nations.

82. Since its accession to national independence 50 years previously, and especially in the 20 years since reform and opening were first introduced, China had made the realization of its people's rights to existence and development a priority task. The Government of China had not only managed to feed and clothe its 1.2 billion people, but had also paid attention to promoting and protecting their civil and political rights, ratifying a number of international human rights instruments and enabling the people to enjoy human rights and fundamental freedoms unprecedented in Chinese history.

83. **Mr. Agus Sriyono** (Indonesia) said that the promotion and protection of human rights were dependent on the establishment of a human rights culture. The role of human rights education was essential in that regard, since education made it possible to change attitudes and perceptions.

84. In the context of strengthening national capacities in the field of human rights, his Government and the Office of the High Commissioner for Human Rights had concluded in 1998 a memorandum of understanding on technical cooperation in human rights. That cooperation covered four broad areas: (a) the National Plan of Action for the Promotion and Protection of Human Rights and the Strengthening of National Capacities; (b) human rights education; (c) national institutions for the promotion and protection of human rights; and (d) strategies for the realization of the right to development and economic, social and cultural rights.

85. One of the important steps already implemented had been the national training-for-trainers programme in human rights reporting, which had been held in Jakarta in July 1999, attesting to the Government's commitment to promoting and protecting human rights. The previous year, under the auspices of the Office of the High Commissioner for Human Rights, Indonesian officials had participated in a training programme in Turin, Italy, on reporting under international human rights treaties. His delegation welcomed the role being played by international cooperation as a means of promoting and protecting human rights.

86. Since globalization had increased the risk of marginalization among developing countries, there was a need for concerted action at the national and international levels to mitigate the unfortunate effects of that phenomenon and ensure the creation of a climate conducive to the realization of the right to development. In that context, the participation of developing countries in the decision-making process on global macroeconomic policy issues was of paramount importance.

87. In her report (A/54/36), the High Commissioner for Human Rights referred to the violation of human rights in East Timor. Some clarifications were needed on that issue. There was no basis for the conclusions in the report concerning East Timor, since the investigation of alleged human rights violations was still in progress. Some international press reports and a spokesperson for the Office for the Coordination of Humanitarian Assistance had said that the United Nations had not found a shred of evidence of the alleged violations. Moreover, Indonesia, which did not dispute the fact that acts of violence had occurred following the election, had established a fact-finding commission for post-ballot human rights violations in East Timor and had shown itself willing to cooperate with the international community in its inquiries.

88. **Ms. Al-Hajjaji** (Libyan Arab Jamahiriya) said that respect for human rights and the right of peoples to choose their own political, economic and social system were a part of the purposes and principles enshrined in the Charter of the United Nations. To impose on a country a model of governance without taking realities into account could have disastrous consequences. On the eve of the third millennium, it was important to strive for recognition of the universality and indivisibility of human rights, whether they be individual and collective rights or political, civil, socio-economic and cultural rights, including the right to development that had been recognized at the Vienna Conference but was denied to some countries.

89. Human rights were not only synonymous with democracy, power-sharing or freedom of thought, but also the struggle against hunger, poverty, underdevelopment and disease. Although the Vienna Declaration and Programme of Action underlined the importance of non-selectivity, impartiality and objectivity in the promotion and protection of human rights, it was nonetheless true that some States in the North very often used their humanitarian aid to exert political and economic pressures on the States of the South. Some States posed as defenders of human rights to gain their own ends: they talked of human rights violations when their interests did not coincide with those of the country concerned, while closing their eyes to flagrant violations when the situation was reversed. The only way to promote and protect human rights effectively was through constructive cooperation and dialogue between States and the renunciation of interference in the internal affairs of other States.

90. Despite the appeal made at the Vienna Conference, some States had a tendency to impose unilateral coercive measures on other States for economic and political purposes. They clearly violated the principles of international law and the right to development, regardless of General Assembly and Commission on Human Rights resolutions. Election monitoring and the sending of missions to evaluate the human rights situation in various countries was not a right to which the international community was entitled, but a form of assistance to States that wished to reform their political and legal structures with regard to protecting human rights.

91. Military intervention undertaken on the pretext of respect for human rights, but without the support of the United Nations, undermined the very foundations of the Organization, namely, State sovereignty and non-interference in the internal affairs of States. The International Court of Justice must be asked to make a pronouncement on the right of humanitarian intervention that contravened the Charter of the United Nations and the rules of international law.

92. He hoped that the international community would seize the opportunity offered by the new millennium in order to renew its undertakings, redouble its efforts and take all the measures necessary to achieve the goals set forth in the relevant international human rights instruments that formed the basis of stability and development for every State.

93. **Ms. Gorgieva** (The former Yugoslav Republic of Macedonia) said that the twentieth century, which had seen a high level of technological development, had also been a period of great human suffering. It was time to assess the progress that had been made with regard to the protection and promotion of human rights and fundamental freedoms and make commitments for the new millennium. Thanks to the activities of the United Nations and of regional organizations, international human rights law had developed considerably in the past 50 years and was a point of reference for the elaboration of national legislation. It was therefore to be hoped that, in accordance with the initiative of the Secretary-General and the High Commissioner for Human Rights, the six main human rights treaties would be universally ratified by 2003.

94. While celebrating the fiftieth anniversary of the emergence of humanitarian law, however, the world was still

witnessing massive human rights violations and true human catastrophes. Ten years after the adoption of the Convention on the Rights of the Child, countless children were still being forced to endure the atrocities of war. Action must therefore be taken to end impunity in those areas and, in particular, to enact the Rome Statute of the International Criminal Court as soon as possible.

95. The Kosovo crisis and other conflicts worldwide had demonstrated that there could be no peace without continuous respect for human rights and fundamental freedoms. While States had primary responsibility in that regard, the representatives of civil society and of the international community also had an important part to play, as had been affirmed by the Vienna World Conference on Human Rights.

96. In that context, priority should be given to creating mechanisms to control and monitor the implementation of accepted human rights standards, or to strengthen the existing mechanisms. Her delegation therefore considered the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the preparation of an optional protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a step in the right direction.

97. Her delegation was well-satisfied with the activities undertaken by the Office of the United Nations High Commissioner for Human Rights. It was essential that United Nations human rights bodies be promoted and strengthened if the standards applicable in that area were to be implemented. Her delegation also supported the reform of the Commission on Human Rights. It hoped that the inter-sessional working group would successfully balance the interests of States and complete its mandate in an atmosphere of consensus and that the Commission on Human Rights would, at its next session, adopt substantial measures for strengthening Commission mechanisms.

98. Education was one of the most important aspects of preventive action. She welcomed the activities undertaken to date as part of the United Nations Decade for Human Rights Education. She also expressed support for the efforts of the Office of the United Nations High Commissioner for Human Rights to create national action plans for human rights education. The interdependence of human rights, democracy and development was gaining increased recognition. In that respect, her delegation supported the activities of the independent expert on the right to development.

99. While the Convention on the Rights of the Child had been almost universally ratified, its implementation left much to be desired. Her delegation therefore supported the efforts made by the Commission on Human Rights to adopt specific measures for the protection of children and the activities of the two working groups responsible for the preparation of the two optional protocols to the Convention on the Rights of the Child.

100. The development of a gender perspective at national level was equally significant, whether achieved through United Nations programmes or through regional international organizations. Special attention should be paid to the efforts to combat violence against women and trafficking in women. Her country was actively involved in Council of Europe regional projects for the promotion of the status of women in European societies. Women were insufficiently represented in decision-making positions in the former Yugoslav Republic of Macedonia, as in most countries of the region. In 1998, in order to overcome that problem, her country's Parliament had adopted a declaration on gender equality in the decision-making process.

101. The issue of the protection of the human rights of persons belonging to national or ethnic, religious and linguistic minorities should be more effectively addressed. The adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the work of the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights and the Working Group on Minorities were therefore to be welcomed. The activities undertaken in that area by regional organizations, principally by the Council of Europe, gave equal grounds for satisfaction. Two documents were of particular importance: the Framework Convention for the Protection of National Minorities and the European Charter of Regional or Minority Languages, which were being signed or ratified by an increasing number of south-eastern European countries.

102. In that context, the role played by the Stability Pact in the establishment of stable democratic societies and prosperous economies in south-eastern Europe should be stressed. She welcomed the fact that the Stability Pact had made it possible to address the issue of minorities at the regional rather than the national level. Having been a regional pioneer of the protection and promotion of the basic rights of minorities, her country would ensure that projects to promote national minorities in the region were effectively implemented, and considered that the success of the Stability Pact was linked to progress in democratization and human rights.

103. **Mr. Ingólfsson** (Iceland) said that globalization had created increased interaction between people of different beliefs and religions. Reinforced efforts were required to strengthen tolerance and mutual respect with a view to preventing conflicts.

104. The manifestations of intolerance and religious extremism, to which reference was made in the report of the Special Rapporteur (A/54/386), brought to mind the tragic plight of women in Afghanistan who were victims of gross violations, justified by the Taliban on religious grounds. The international community should stand up for those women, as they had no means of influencing their situation. Human rights were universal, and tradition and religion could not be accepted as an excuse to tolerate the flagrant violation of those rights. Again, in spite of the signs of improvement in human rights in the Islamic Republic of Iran, the situation of the Baha'i community had not improved. He strongly appealed to the Iranian Government to ensure that the Baha'i minority would be allowed to practise their religion and enjoy their fundamental rights.

105. Care should be taken in addressing intolerance and discrimination: in the case of religious extremism, it was important not to brand whole religious communities as fanatics because of the few extremists within their ranks.

106. **Mr. Carranza** (Guatemala), commenting on item 116 (b), said that the signature of the Comprehensive Agreement on Human Rights in March 1994 had marked the beginning of a period of respect for and implementation of human rights in Guatemala. Before the signing of the Peace Agreements in 1996, there had already been a mechanism for internal human rights monitoring within the United Nations Verification Mission in Guatemala (MINUGUA), which had reported qualitative and quantitative changes, despite the difficult process of involving the restoration of peace and the consolidation of democracy after 34 years of internal armed conflict.

107. In its fifth report, MINUGUA had described those changes as "tangible progress in fulfilling the commitments assumed in the Comprehensive Agreement". Furthermore, the political will of the Government in the fight against criminality and impunity had attenuated human rights violations committed by the security forces and had led to a considerable decline in the number of allegations of torture.

108. Within the framework of the current policy on human rights, the compensation of victims represented an essential element of the State's duty to compensate victims materially and morally for the harm caused. That principle had already been incorporated into the Comprehensive Agreement on Human Rights, on the basis of which the Guatemalan Government had enacted a congressional decree, the National Reconciliation Act. Article 9 of that law stipulated that the State had a humanitarian duty to assist the victims of human rights violations committed during internal armed conflict. In order to consolidate that obligation, the Peace Secretariat in the Office of the President of the Republic was implementing a National Peace Fund, identifying the most affected communities and the priority projects proposed by those communities. The Secretariat and the National Peace Fund had concluded an agreement with the United States Agency for International Development, establishing a programme of assistance to victims of human rights violations, in particular the most vulnerable groups such as widows and orphans.

109. Strengthening the rule of law and modernizing State institutions were priorities set by the Guatemalan Government. Some specific commitments made under the Peace Agreements were still to be fully implemented, as revealed in the national referendum held in 1999, which had not won approval for a package of constitutional reforms. However, that did not mean that the implementation of the Peace Agreements had been interrupted; rather, other methods for achieving the objectives of the reforms were being pursued.

110. Just two days earlier, democratic and transparent elections had been held in Guatemala. All the candidates had undertaken to continue to show full respect for the Peace Agreements. Much remained to be done, but the Government and the main actors in civil society had committed themselves to trying to reach a common objective.

111. ***Ms. Geelan*** *(Denmark), Vice-Chairman, took the Chair.*

112. **Ms. Enkhtsetseg** (Mongolia) said that it was encouraging to note from both the statement delivered by the United Nations High Commissioner for Human Rights and her report (A/54/36) that promoting respect for economic, social and cultural rights and the right to development were high on her agenda. Her delegation welcomed the increased collaboration among the relevant agencies in the United Nations system to promote the right to development at both country and inter-institutional levels. However, in order for the implementation of the right to development to be effective there was need for an international convention on the issue.

113. Mongolia also welcomed the forthcoming publication of the *Human Development Report 2000* on the theme "Human development and human rights" with a view to identifying the best practices in promoting human rights in

order to facilitate human development and exploring innovative conceptual and practical approaches towards its implementation.

114. Her delegation was pleased to note a significant strengthening of the technical cooperation programme provided by the Office of the High Commissioner for Human Rights, particularly in the building of national human rights institutions, the administration of justice, legislative reform, human rights education and treaty reporting. In collaboration with the Office of the High Commissioner, the Mongolian Government was implementing a technical cooperation programme for the establishment of a national human rights institution, the promotion of human rights education, prison reform and the training of legal practitioners and criminal justice personnel, with an emphasis on international human rights standards and the provision of expert assistance in legislative drafting, revision and implementation.

115. The development of regional cooperation for the protection and promotion of human rights was important. Mongolia welcomed the development in 1998 of the Framework for Regional Technical Cooperation in the Asian and Pacific region, and was keen to cooperate with the Office of the High Commissioner in the four main areas of action identified therein: the development of national plans of action for human rights; the enhancement and strengthening of national human rights institutions; human rights education; and strategies for the promotion of economic, social and cultural rights and the right to development. Her delegation looked forward to the handbook on national plans of action for human rights being developed by the Office of the High Commissioner.

116. The democratic movement in Mongolia, initiated by a demonstration for broader rights for individuals on 10 December 1989, had led to the holding of free and democratic elections in 1990, the results of which had put an end to the 70-year rule of the totalitarian communist regime and had started an era of multi-party democratic changes.

117. The new Mongolian Constitution, adopted on 16 January 1992, guaranteed all human rights and fundamental freedoms, including freedom of speech and the press, equality before the law and the independence of the judiciary. It could be concluded that the political and legal foundation had been put in place for developing further democratic change. Mongolia was pursuing political and economic reforms, with the wholehearted support of the international community.

118. However, the major challenge to democratic progress in Mongolia was posed by the socio-economic problems associated with the transition period from a planned economy to an efficient market economy promoting the private sector, which already produced 60 per cent of the country's GDP. The reduction of poverty and unemployment, and improved access to education and health care, were viewed as key priorities for government action.

119. Over the past 10 years, Mongolia had made significant progress in transforming itself into a democratic State. Democratic institutions had taken firm root. By means of free and fair elections, a free press and the efforts of various non-governmental organizations, the populace exercised its sovereign right of participation in national decision-making. However, much remained to be done to strengthen fledgeling democratic institutions and guarantee respect for all the social and economic rights of citizens. The celebration on 10 December of the tenth anniversary of the democratic movement in Mongolia would provide an opportunity of taking stock of experience gained, and to draw lessons for a better vision of the future.

120. The Mongolian delegation felt that the question of the death penalty was a criminal justice issue falling within the domestic jurisdiction of Member States. Upon amending the country's criminal code in 1993, the Mongolian Parliament had taken specific measures to reduce the number of crimes punishable by the death penalty from nine to five. Moreover, three of those five crimes — namely politically motivated killings, politically motivated assassinations of representatives of foreign States, and subversive activities — had never been invoked, the death penalty only having been applied in especially cruel and serious cases of homicide; it was not applied to minors, women or men over 60 years of age. However, the high rate of serious crimes, owing to problems during the country's transition period, revealed that conditions were not ripe for an elimination of the death penalty in the near future.

121. **Ms. Ramírez** (Costa Rica) said that Costa Rica was fully committed to respecting and promoting human rights and recognized their universality, indivisibility and interdependence. All human rights stemmed from the dignity of the human person and shared the same objective, namely, to enable the full physical, intellectual and spiritual development of all inhabitants of the planet. Those principles were expressly enshrined in the Universal Declaration of Human Rights and in the Vienna Declaration and Programme of Action.

122. On the threshold of the new millennium, it was important to recognize the fact that the fundamental rights of hundreds of thousands of people were being violated, and to condemn the intolerance, hatred, inequality and conflicts

which brought about such violations. It was a matter of concern that executions, forced displacements, disappearances, rape and abductions, together with restrictions on the freedom of expression and belief and inequalities between men and women, persisted. Of particular concern, too, were violations of the right to life, which was a prerequisite for the enjoyment of all the other basic rights. Costa Rica sought to protect that right at all stages of human life and was thus concerned at the death penalty, euthanasia and abortion. Costa Rica had abolished the death penalty more than 130 years previously, thereby clearly indicating its respect for human life. The Costa Rican people's greatest failure had been their inability to view each other as equals and brothers. It was high time the Universal Declaration of Human Rights was translated into reality.

123. The year 1999 saw the thirtieth anniversary of the adoption of the American Convention on Human Rights and the twentieth anniversary of the establishment of the Inter-American Court of Human Rights, which had its headquarters in San José. The Convention set forth the fundamental rights and freedoms that States agreed to respect, and it established a monitoring mechanism and system of legal remedies in respect of violations of fundamental rights with the Inter-American Commission and Court of Human Rights acting as intermediaries. Those anniversaries would be commemorated on 22 November 1999 in Costa Rica at an official ceremony of the inter-American system.

124. In addition, the Government of Costa Rica would be organizing a Human Rights Week, which would include a commemoration of the fiftieth anniversary of the abolition of the army, the fiftieth anniversary of the Political Constitution of 1949 and the tenth anniversary of the establishment of the Constitutional Chamber of the Supreme Court of Justice. Costa Rica was of the view that such celebrations should take place in a context of genuine political will and commitment, in order that the provisions of the Universal Declaration of Human Rights might be effectively applied.

125. **Mr. Al-Ethary** (Yemen) said that Yemen was in the process of furthering the democratic process, which focused on political pluralism, freedom of the press and the protection of civil liberties and human rights. The Constitution of Yemen stipulated that every citizen had the right to participate in the economic, social and cultural life of the country.

126. In its efforts to promote respect for the international human rights conventions and covenants it had ratified, his Government had established a high-level committee to raise awareness among the public and parties concerned about human rights issues. The Committee had, *inter alia*, organized an information workshop for members of the judiciary and coordinated its activities with United Nations human rights bodies and relevant non-governmental organizations, with a view to monitoring the proper implementation of human rights instruments.

127. The Government of Yemen encouraged non-governmental organizations to promote democratic practices as part of their work (there were currently more than 2,100 active non-governmental organizations in Yemen) and recognized the importance of the individual's role in building democracy. He also stressed the importance of cooperation between public bodies and civil society in advancing the goal of development. Indeed, the State's vision of the role of non-governmental organizations had evolved to reflect the requirements of the country and the international community.

128. Aware of the limits of all action taken in the field of human rights, the Government of Yemen commended those States which sought to promote and protect human rights, but was surprised that more importance was not being accorded to economic, social, cultural and political rights — which could only be realized once hunger, poverty, disease and illiteracy were eliminated. Human rights should not, however, be exploited for political ends.

The meeting rose at 12.15 p.m.